

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas, Sept. 15, 1932.

The Senate met a 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Woodward, Hopkins, and Pollard:

S. B. No. 48, A bill to be entitled "An Act making it an offense for any lessee, assignee or holder of any oil or gas lease, or interest therein, who without the consent of the person entitled to any part of the oil produced from said lease or proceeds realized from the sale thereof, shall fraudulently convert the same to his own use and benefit with intent to deprive the owner of the value of same, shall be guilty of theft and shall be punished as prescribed in the Penal Code for theft of like property, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

Senator Excused.

On motion of Senator Neal, Senator Martin was excused for the day on account of important business.

House Bill No. 87.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 87, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the Third Called Session of the Forty-second Legislature of the State of Texas, convened on the thirtieth day of August, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employees of the Regular Session, First and Second Called Sessions of said Legislature, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 87 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer..	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

House Bill No. 51.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 51, A bill to be entitled "An Act amending Article 2688 of the Revised Civil Statutes of Texas, 1925, as amended by the Regular Session of the Forty-second Legislature, H. B. No. 904, Chapter 212, page 426, Special Laws, and declaring an emergency."

The committee report was adopted.

Read second time.

On motion of Senator Thomason, the bill was laid on the table subject to call.

Senate Bill No. 21.

On motion of Senator Poage, S. B. No. 21 was laid on the table subject to call.

House Bill No. 59.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bryant:

H. B. No. 59, A bill to be entitled "An Act making it unlawful to take or to kill wild doves or quail for a period of three years in Hall County Texas; fixing penalty, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 59 was

put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed.

House Bill No. 48.

Senator Berkeley called up from the table the following bill:

By Mr. Satterwhite:

H. B. No. 48, A bill to be entitled "An Act providing for the execution of surety company bonds by county tax collectors in special cases, providing for the payment of premium on those bonds in certain counties; and providing for weekly remittances of county and State taxes by county tax collectors, and special reports by tax collectors and county depositories to be furnished upon the request of the Comptroller or the commissioners court as to funds in their hands and special remittances thereof to safeguard funds in their hands and protect their bondsmen, providing penalties, and declaring an emergency."

Senator Berkeley moved to lay the bill on the table subject to call. The motion prevailed.

Message from the Governor.

Executive Office,

Austin, Texas, Sept. 15, 1932.

To the Members of the Forty-second Legislature:

I herewith submit for your consideration the following:

"An Act making it an offense for any lessee, assignee, or holder of any oil or gas lease, or interest therein, who without the consent of

the person entitled to any part of the oil produced from said lease or proceeds realized from the sale thereof, shall fraudulently convert the same to his own use and benefit with intent to deprive the owner of the value of same, shall be guilty of theft and shall be punished as prescribed in the Penal Code for theft of like property."

Respectfully submitted,

R. S. STERLING,
Governor.

House Bill No. 56.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Farmer and Mr. Lockhart:
H. B. No. 56, A bill to be entitled "An Act to amend Articles 1111, 1112 and 1113 of the Revised Civil Statutes of Texas for 1925 and amendments thereof as passed by the Fortieth Legislature, found in Chapter No. 194, page 276, of the Acts of the Regular Session of the Fortieth Legislature, pertaining to the encumbrance of lighting systems, water systems and sewer systems and income thereof by cities and towns and 'Home Rule' cities; to secure payment of funds for the building and purchasing of improvement thereof, including therein the power to build and encumber natural gas systems and the income thereof for said purposes so that such obligations shall never be a debt upon such cities or towns, and declaring an emergency."

The rule requiring printed copies of the bill to lie on the desks 24 hours was suspended by unanimous consent.

Read second time.

Senator Moore sent up the following amendments:

Amend H. B. No. 56, line 12, section 1, after the words sewer system by adding the following: "or sanitary disposal equipment and appliances," and amend the caption to confer.

MOORE,
DEBERRY.

Read and adopted.

Amend H. B. No. 56, line 22, section 1, after the word "then," by adding the following: "including the purchase of equipment and appliances for the sanitary disposal of

excreta and offal," and amend the caption to confer.

MOORE,
DEBERRY.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 56 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—1.

Holbrook.

Absent—Excused.

Martin.

Read third time and finally passed.

Senate Bill No. 45.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Greer:

S. B. No. 45, A bill to be entitled "An Act granting permission to E. A. Eliot and wife, Mrs. Hattie Eliot, to sue and maintain a suit against the State Highway Commission as such and the State of Texas and members of the State Highway Commission for damages to their land and crops which they claim by virtue of the construction of State Highway No. 32 and Federal Highway No. 75, which runs between the town of Angus and the town of Richland, on plaintiffs' property, which they claim is damaged and the crops thereon being situated east of said road, and for which

suit has been brought in the District Court of Navarro County, Texas, the original petition having been filed on September 12, 1931; and providing for the payment of any judgment which may be recovered against the Highway Commission as such, or the State of Texas in said suit; and declaring an emergency."

On motion of Senator Greer, the rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 45, section 1, by striking out the word "Navarro" and inserting in lieu thereof the word "Travis."

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Moore.
Cunningham.	Neal.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Parrish.

Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.
Small.	

Nays—3.

DeBerry.	Loy.
Holbrook.	

Absent—Excused.

Martin.

Senate Bill No. 46.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Greer:

S. B. No. 46, A bill to be entitled "An Act granting permission to J. F. Bentley of Navarro County, Texas, to sue and maintain a suit against the State Highway Commission as such and the State of Texas and members of the State Highway Commission for damages for killing two mules and injury to wagon and harness and personal injuries which he claims to have sustained on a State highway of the State of Texas running through Navarro County, and which occurred on or about February 8, 1932. The injuries alleged to have occurred about one mile west of Richland Creek on the highway from Corsicana to Waco, and being known as State Highway No. 31. Said suit not yet having been filed; and providing for the payment of any judgment which may be recovered against said State Highway Commission of Texas as such, of the State of Texas in said suit; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 46 by striking out the word "Navarro" and inserting in lieu thereof the word "Travis."

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Greer the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 46 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Patton.
Berkeley.	Poage.
Cousins.	Pollard.
Cunningham.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

Nays—3.

DeBerry.	Loy.
Holbrook.	

Absent—Excused.

Martin.

Senate Bill No. 47.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Greer:

S. B. No. 47, A bill to be entitled "An Act granting W. F. Sewell and his wife, Mrs. Irma Sewell, and J. C. Lewis to sue and maintain a suit against the State Highway Commis-

sion as such and the State of Texas and members of the State Highway Commission for damages to their land and crops which they claim by virtue of the construction of State Highway No. 32 and Federal Highway No. 75 which runs between the town of Angus and the town of Richland, over the property of said W. F. Sewell and wife, and which they claim is damaging said property and the crops thereon situated said road running through said property. Which suit has been brought in the District Court of Navarro County, Texas, the original petition having been filed on September 21, 1931, and providing for any judgment which may be recovered against the Highway Commission as such, or the State of Texas in said suit; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 47, by striking out the word "Navarro" and inserting in lieu thereof the word "Travis."

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 47 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Pollard.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—1.

Holbrook.

Absent—Excused.

Martin.

Read third time and finally passed.

House Bill No. 55.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Stevenson:

H. B. No. 55, A bill to be entitled "An Act authorizing any county, political subdivision or defined district thereof to hold an election for the purpose of the cancellation and revocation of any unsold road bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such unsold road bonds retired by reason of such election, and the adjustment of existing tax levies and refund of any taxes levied and collected in anticipation of the sale of such road bonds," etc.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

Read second time.

Senator Moore sent up the following amendment:

Amend H. B. No. 55, after the word "sold" in line 4, section 1, of the typewritten bill, as follows: "at the time of passage of this Act," and amend the caption to conform.

MOORE,

Read and adopted.

The bill passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 55 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Loy.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.

Russek.	Williamson.
Small.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Martin.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Martin.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 43.

S. B. No. 9.

Senate Bill No. 40.

Senator Purl called up from the table the following bill:

By Senator Purl:

S. B. No. 40, A bill to be entitled "An Act providing that warrants drawn on the State Treasurer, if presented for payment and not paid, shall automatically bear interest until called for payment at the rate of four per cent (4%) per annum; and declaring an emergency."

Senator Moore withdrew the pending amendment.

Senator Purl sent up the following amendment:

Amend Senate Bill No. 40 by striking out everything below the enacting clause and substituting in lieu thereof the following:

"It is the duty of the State Treasurer, on the presentation of State

warrants, regularly issued, to pay the same out of any funds available for such payments, and in the event there are no funds available for such payment, he must register each warrant in a book or register to be kept for the purpose, entering the date of issue, date of registration, name in whose favor warrant is drawn, the number and amount thereof, and he shall endorse on each warrant so registered, on its face, 'Presented for payment and not paid for want of funds and registered in this office this _____ day of _____', inserting the date of registration, and he shall affix his signature as such Treasurer thereto; and all warrants so issued and registered on and after January 1, 1933, shall bear interest at the rate of four per cent per annum until called for payment, after date of which call interest shall cease. Whenever there shall be funds in the Treasury for the redemption of warrants so presented and endorsed, the State Treasurer shall give notice of the fact in some newspaper published at the seat of Government, and at the expiration of fifteen (15) days after the date of such notice, interest on such warrant shall cease."

PURL.

The amendment was read.

Senator Moore sent up the following amendment to the amendment:

Amend substitute for S. B. No. 40 by striking out the words and figures "four per cent (4%) per annum" and insert in lieu thereof the words and figures "two per cent (2%) per annum" and amend the caption to conform.

MOORE.

The amendment to the amendment was read.

Senator Hornsby sent up the following substitute for the amendment to the amendment:

Substitute for proposed amendment by Moore, "Change the 2% to 3%."

HORNSBY.

The substitute was read and adopted by the following vote:

Yeas—12.

Cunningham.	Neal.
Gainer.	Parrish.
Greer.	Patton.
Hornsby.	Pollard.

Purl.
Thomason.

Woodruff.
Woodul.

Nays—8.

Berkeley.	Poage.
Holbrook.	Rawlings.
Moore.	Russek.
Oneal.	Small.

Present—Not Voting.

Beck.	Loy.
Cousins.	Parr.
DeBerry.	Stevenson.
Hardin.	Williamson.
Hopkins.	Woodward.

Absent—Excused.

Martin.

The amendment to the amendment as substituted was adopted.

Senator Moore sent up the following amendment:

Amend amendment to S. B. No. 40 after the word "cease," in line 16 of the typewritten bill by adding the following: "and provided further that no warrant shall draw interest when said warrant has been sold, pledged or otherwise disposed of by the original holder for any sum of consideration less than the amount for which the warrant was originally drawn."

MOORE,
RAWLINGS.

Read and adopted.

Senator Holbrook moved to postpone indefinitely the further consideration of the bill as amended.

Senator Purl moved to table the motion to postpone indefinitely.

The motion to table was lost by the following vote:

Yeas—9.

Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Hornsby.	Purl.
Neal.	

Nays—16.

Berkeley.	Poage.
Cousins.	Rawlings.
Cunningham.	Russek.
DeBerry.	Small.
Holbrook.	Thomason.
Hopkins.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.

Absent.

Beck. Parr.
Loy. Stevenson.

Absent—Excused.

Martin. Woodward.

The motion to postpone further consideration of the bill indefinitely prevailed by the following vote:

Yeas—16.

Berkeley. Poage.
Cousins. Rawlings.
Cunningham. Russek.
DeBerry. Small.
Holbrook. Thomason.
Hopkins. Williamson.
Moore. Woodruff.
Oneal. Woodul.

Nays—9.

Gainer. Parrish.
Greer. Patton.
Hardin. Pollard.
(Hornsby.) Purl.
Neal.

Absent.

Beck. Parr.
Loy. Stevenson.

Absent—Excused.

Martin. Woodward.

Senate Bill No. 48.

The Chair laid before the Senate, by unanimous consent, the following bill:

By Senators Woodward, Hopkins, Pollard.

S. B. No. 48, A bill to be entitled "An Act making it an offense for any lessee, assignee or holder of any oil or gas lease, etc., and declaring an emergency."

Recess.

On motion of Senator Hornsby, the Senate, at 12:16 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 48.

The question recurred on S. B. No. 48.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 48 was put on its second reading by the following vote:

Yeas—27.

Beck. Parr.
Berkeley. Parrish.
Cousins. Patton.
Cunningham. Poage.
Gainer. Pollard.
Greer. Rawlings.
Hardin. Russek.
Holbrook. Small.
Hopkins. Stevenson.
Hornsby. Thomason.
Loy. Williamson.
Moore. Woodruff.
Neal. Woodul.
Oneal.

Present—Not Voting.

DeBerry.

Absent.

Purl.

Absent—Excused.

Martin. Woodward.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted. Read second time.

Senator Hopkins sent up the following substitute for the bill:

A BILL

To Be Entitled

An Act making it an offense for any Lessee, Assignee, or holder of any oil or gas lease, or interest therein, or any person or persons producing any oil and/or gas, under any oil and gas lease, who without the consent of the person entitled to any part of the oil or gas produced from said lease or proceeds realized from the sale thereof, shall fraudulently convert the same to his own use and benefit with intent to deprive the owner of the value of the same, shall be guilty of a criminal offense and shall be punished as prescribed in the penal code for theft.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any Lessee, Assignee, owner or holder of any oil and/or

gas lease, or interest therein, or any person or persons producing any oil and/or gas under any oil and gas lease, who shall, without the consent of any person or persons entitled to any part of the oil produced from said lease or the proceeds realized from the sale thereof, fraudulently convert any part of the oil and/or gas or the proceeds realized from the sale thereof, to his own use and benefit with intent to deprive the owner of the value of same, shall be guilty of a criminal offense and shall be punished as prescribed in the penal code for theft.

Sec. 2. The fact that at the present time oil and gas is being sold and converted or the proceeds realized therefrom without the knowledge or consent of the rightful owner thereof, and the further fact that such acts and conduct is helping to create a sentiment against the enforcement of the oil and gas conservation laws of the state, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

HOPKINS.

Read and adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 48, line 1 of Section 1 after the word "holder" of the typewritten bill, by adding the following:

"or any agent, employee or representative of any lessee, consignee, owner or holder"

And amend the caption to conform to the body of the bill.

MOORE.

Read and adopted.

The bill, as substituted and amended, was passed to engrossment.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 48 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.
Cunningham.

DeBerry.
Gainer.

Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Moore.
Neal.
Oneal.
Parr.
Patton.

Poage.
Pollard.
Rawlings.
Russek.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.

Nays—2.

Parrish.

Purl.

Absent.

Beck.

Cousins.

Absent—Excused.

Martin.

Woodward.

Read third time.

Senator Purl sent up the following amendment:

Amend committee substitute for S. B. No. 48, by adding thereto a new section to be known as Section 1-A, to read as follows:

"Section 1-A. Each person, firm, corporation or association of persons, authorized under the laws of this State to engage in the business of transporting oil and/or gas who shall in any manner violate any provision of this Act for each day that such violation shall be committed or continued, forfeit and pay a sum of not less than Fifty nor more than Fifteen Hundred Dollars, which may be recovered in the name of the State of Texas in the District Court of any County in the State of Texas and venue is hereby given to such District Courts.

It shall be the duty of the Attorney General or the District or County Attorney, under the direction of the Attorney General, to prosecute for the recovery of such money and the fees for representing the State in all suits brought under this section shall be the same as are now prescribed in Article 7436 of the Revised Civil Statutes of Texas, 1925."

PURL.

The amendment was read.

Senator Hopkins raised the point of order that this amendment was not germane, because it provided for civil suits and civil offenses, whereas the bill itself creates a new criminal offense.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

The amendment was adopted by the following vote:

Yeas—19.

Berkeley.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Hornsby.	Rawlings.
Loy.	Stevenson.
Moore.	Thomason.
Neal.	

Nays—7.

Cousins.	Small.
Holbrook.	Woodruff.
Hopkins.	Woodul.
Russek.	

Absent.

Beck.	Williamson.
Patton.	

Absent—Excused.

Martin.	Woodward.
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Senator Pollard sent up the following amendment:

Amend Section 1 of said amendment by adding thereto the following:

It is further provided that any agent or representative of any pipe line company or transporter of oil and/or gas who shall deduct from the amount of oil and/or gas received by it from any operator, producer, owner or royalty owner, any part thereof, and who shall thereafter fail and refuse to account to such operator or producer or owner or royalty owner for any part thereof that it has not sustained as an actual loss in so transporting same, shall likewise be guilty of theft, and its failure to pay for same shall be prima facie evidence of the intent to so fraudulently convert said oil and/or gas to the use and benefit of said pipe line or transporter of said oil and/or gas.

And amend the caption accordingly.

POLLARD.

The amendment was read and lost by the following vote:

Yeas—15.

Berkeley.	DeBerry.
Cunningham.	Gainer.

Greer.	Patton.
Loy.	Pollard.
Moore.	Purl.
Neal.	Rawlings.
Parr.	Thomason.
Parrish.	

Nays—11.

Cousins.	Poage.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Oneal.	

Absent.

Beck.	Williamson.
Stevenson.	

Absent—Excused.

Martin.	Woodward.
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(Two-thirds vote required.)

Senator Hopkins sent up the following amendment:

Amend S. B. No. 48, as substituted, by adding thereto a new section to be known as Section 1B, to read as follows:

"Section 1B. If any section or part of a section of this Act is declared to be unconstitutional, such shall not affect the constitutionality of the remaining part hereof."

HOPKINS.

WOODRUFF.

Read and adopted by unanimous consent.

Senator Pollard moved to reconsider the vote by which the bill was passed to engrossment.

Senator Woodruff raised the point of order that Senator Pollard was absent when the bill was passed to engrossment.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order inasmuch as the bill was passed to engrossment by a viva voce vote.

The motion to reconsider prevailed by the following vote:

Yeas—17.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Purl.
Greer.	Rawlings.
Loy.	Russek.
Moore.	Stevenson.
Neal.	Thomason.
Parr.	

Nays—10.

Cousins.	Oneal.
Hardin.	Poage.
Holbrook.	Small.
Hopkins.	Woodruff.
Hornsby.	Woodul.

Present—Not Voting.

Williamson.

Absent.

Gainer.

Absent—Excused.

Martin.

Woodward.

Senator Purl sent up the following amendment:

Amend committee substitute for S. B. No. 48, by adding thereto a new section to be known as Section 1-A, to read as follows:

"Section 1-A. Each person, firm, corporation or association of persons, authorized under the laws of this State to engage in the business of transporting oil and/or gas who shall in any manner violate any provision of this Act for each day that such violation shall be committed or continued, forfeit and pay a sum of not less than Fifty nor more than Fifteen Hundred Dollars, which may be recovered in the name of the State of Texas in the District Court of any county in the State of Texas and venue is hereby given to such District Courts.

It shall be the duty of the Attorney General or the District or County Attorney, under the direction of the Attorney General, to prosecute for the recovery of such money and the fee for representing the State in all suits brought under this section shall be the same as are now prescribed in Article 7436 of the Revised Civil Statutes of Texas, 1925."

PURL.**Read and adopted.**

Senator Hopkins sent up the following amendment:

Amend S. B. No. 48, as substituted, by adding thereto a new section to be known as Section 1-B, to read as follows:

"Section 1-B. If any section or part of a section of this Act is declared to be unconstitutional, such

shall not affect the constitutionality of the remaining part hereof."

HOPKINS.
WOODRUFF.

Read and adopted.

Senator Pollard sent up the following amendment:

Amend S. B. No. 48, as substituted by adding thereto the following section to be known as Section 3:

It is further provided that any agent or representative of any pipe line company or transporter of oil and/or gas who shall deduct from the amount of oil and/or gas received by it from any operator, producer, owner or royalty owner, any part thereof, and who shall thereafter fail and refuse to account to such operator or producer or owner or royalty owner for any part thereof that it has not sustained as an actual loss in so transporting same, shall likewise be guilty of theft, and its failure to pay for same shall be prima facie evidence of the intent to so fraudulently convert said oil and/or gas to the use and benefit of said pipe line or transporter of said oil and/or gas.

POLLARD.

The amendment was read and adopted.

The bill as substituted and amended was passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 48 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.

Nays—1.

Woodul.

Absent—Excused.

Martin.

Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	

Nays—1.

Woodul.

Absent.

Cunningham.

Absent—Excused.

Martin. Woodward.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has concurred in Senate Amend-
ments to H. B. No. 56 by a viva
voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 8.

Senator Holbrook called up from
the table:

H. C. R. No. 8, Relating to sine
die adjournment.

Senator Holbrook sent up the fol-
lowing amendment:

Amend H. C. R. No. 8 by striking
out "Friday, September 16, at 12
o'clock noon" and inserting in lieu
thereof "Saturday, September 17, at
6 p. m."

HOLBROOK.

The amendment was read.

Senator Parrish sent up the fol-
lowing substitute for the amend-
ment:

Strike out "twelve o'clock noon
on Friday September 16" and insert

in lieu thereof "12 o'clock noon on
Tuesday, September 20."

PARRISH.

The substitute was read.

Senator Holbrook moved to table
the substitute. The motion prevailed
by the following vote:

Yeas—17.

Beck.	Oneal.
Berkeley.	Poage.
DeBerry.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Woodruff.
Moore.	Woodul.
Neal.	

Nays—11.

Cunningham.	Patton.
Gainer.	Russek.
Hornsby.	Stevenson.
Loy.	Thomason.
Parr.	Williamson.
Parrish.	

Absent.

Cousins.

Absent—Excused.

Martin. Woodward.

Senator Parrish sent up the fol-
lowing substitute for the amend-
ment:

Strike out "twelve o'clock noon
on Friday September 16" and insert
in lieu thereof "six o'clock p. m.,
on Monday, September nineteen."

PARRISH.

The substitute was read.

Senator Holbrook moved to table
the substitute. The motion was lost
by the following vote:

Yeas—11.

Beck.	Pollard.
Berkeley.	Purl.
DeBerry.	Rawlings.
Hardin.	Woodruff.
Holbrook.	Woodul.
Oneal.	

Nays—16.

Cunningham.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hornsby.	Patton.
Loy.	Poage.
Moore.	Russek.

Small. Thomason.
Stevenson. Williamson.

Absent.

Cousins. Hopkins.

Absent—Excused.

Martin. Woodward.

Senator Purl moved to lay the resolution and pending amendments on the table subject to call.

Senator DeBerry moved to table the motion. The motion prevailed.

The substitute for the amendment was lost by the following vote:

Yeas—13.

Cunningham. Patton.
Gainer. Poage.
Greer. Russek.
Hornsby. Stevenson.
Loy. Thomason.
Parr. Williamson.
Parrish.

Nays—16.

Beck. Neal.
Berkeley. Oneal.
Cousins. Pollard.
DeBerry. Purl.
Hardin. Rawlings.
Holbrook. Small.
Hopkins. Woodruff.
Moore. Woodul.

Absent—Excused.

Martin. Woodward.

Senator Woodruff moved to lay the resolution and the amendment on the table subject to call.

Senator Purl raised the point of order that the same motion had just been voted down.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that a new amendment was now pending and this was a different matter of business.

The motion to lay on the table subject to call was lost by the following vote:

Yeas—13.

Cunningham. Parrish.
Gainer. Patton.
Greer. Russek.
Hornsby. Stevenson.
Loy. Thomason.
Moore. Woodruff.
Parr.

Nays—16.

Beck. Oneal.
Berkeley. Poage.
Cousins. Pollard.
DeBerry. Purl.
Hardin. Rawlings.
Holbrook. Small.
Hopkins. Williamson.
Neal. Woodul.

Absent—Excused.

Martin. Woodward.

The amendment was adopted.

The resolution as amended was adopted.

Reason for Vote.

I voted to lay H. J. R. No. 8 on the table subject to call, not because I did not want to adjourn, but because I wanted to pass my Gas Utility Bill, or S. B. No. 41, which had for its purpose reducing the domestic gas rates in small towns and cities.

LOY.

A Communication.

Relative to Fort Parker Monument:

Senator Poage sent up the following communication:

In 1834 there came a colony of pioneers from Illinois, and settled near the present site of Groesbeck, Texas. These people built a palisade or fort, later known as Fort Parker, for protection against the Indians.

In May, 1836, one month after the battle of San Jacinto, there appeared before Fort Parker a band of Comanche Indians. These Indians pretended to be friends, but later assaulted the fort, murdered a number of the inhabitants, and carried others into captivity. Among the captives was a nine year old girl named Cynthia Ann Parker. For many years she was lost to her kindred and friends. In the year 1860, a young man later known to fame as Captain Sul Ross, returned to Texas from a military institute in Alabama about the time that the State was making plans to subdue the Comanche Indians, who were depredating in North Texas. Governor Houston invited Captain Ross to visit him at Austin, where the Governor laid before this young military man his plan for driving the Indians out of Texas. Quickly Ross

gathered a band of Texas Rangers, and hastened to North Texas to drive out the Indians. Here in the breaks of North Texas, he attacked the Comanches and defeated them, almost destroying the whole band.

In a running fight between Ross and Peter Nacona, the Indian Chief, the latter was slain by Ross, and his wife and baby taken captives. When Ross looked in the eyes of this woman captive, he observed that she had blue eyes, and instantly knew in his own mind that he had captured Cynthia Ann Parker, who was taken from old Fort Parker twenty odd years before. She was sent to her uncle in Parker County, and there identified beyond further question, as being the long lost Cynthia Ann Parker. She was never reconciled to the civilized life, but longed to return to her children and the wild life of the Indian tribe. Soon afterwards, she died and was buried near Palestine, Texas. Her son, Quanah Parker, became the Chief of the Comanches and later negotiated a lasting treaty with the whites. For him the city of Quanah is named.

During Governor Neff's administration, there was organized at Groesbeck, a society to commemorate the sacrifices and sufferings of these pioneers. A committee was appointed consisting of Mrs. J. Cul Sanders, Judge C. S. Bradley, and Mrs. W. F. Bates. This society raised \$1500.00, with which to build a monument, and asked the State of Texas for an appropriation of a like sum, which was granted. The Legislature made the appropriation, and the statue, and the monument has been finished. The statue consists of a marble figure that crowns the monument. The statue represents the pioneer, Parker, as he was leaving the Fort to treat with the Indians, and also his wife and daughter, as they tried to persuade him not to expose himself by going outside the Fort. This statue is wrought of the finest marble, and executed in Italy by the best sculptors in that land of artists. The monument, including the statue, is a fine piece of work, and one of which the State of Texas can justly be proud. When the work was completed, there remained of the \$3,000.00 that had been raised for the purpose of bearing the expense

\$136.00. This \$136.00 has been returned to the State.

The committee, and the people of Groesbeck want the Legislature and the State of Texas to know that they appreciate the appropriations received from the State, they want the Legislature to observe that they did not spend all the State's money, and retain their own money, but returned all monies that were left over to the State. The committee and the people of Groesbeck believe that they have set a good precedent that should control in future appropriations for like purposes.

Read and ordered printed in the Journal on motion of Senator Poage.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 87.

Message from the Governor.

Executive Office,

Austin, Texas, Sept. 15, 1932.

To the Senate of the Forty-second Legislature:

On August 3, 1931, I submitted to you for confirmation the re-appointment of Hon. Earle P. Adams as Chairman of the Industrial Accident Board for the next ensuing statutory term of office, which appointment was confirmed and certified by you on August 5, 1931.

Some legal question has been raised with reference to this appointment above named, and I have this day re-appointed Mr. Adams to the office above mentioned and for the term hereinabove named, and I hereby submit this appointment to you for confirmation.

Respectfully submitted,

R. S. STERLING,

Governor.

Read and referred to Committee on Governors Nominations.

House Bill No. 60.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Smith of Wood:

H. B. No. 60, A bill to be entitled "An Act to repeal Chapter 120, page 232, of the Special Laws of the Reg-

ular Session of the Forty-second Legislature, being a special road law for Wood County, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 60 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Martin. Woodward.

Read third time and finally passed.

Senate Simple Resolution No. 25.

Senator Poage sent up the following resolution:

Be it Resolved by the Senate of Texas that Senate Rule No. 87 be and the same is hereby amended so as to hereafter read as follows:

Journals of the Senate.

87. The proceedings of the Senate when not in the committee of the whole or in executive session, shall be entered on the Journal, as concisely as possible, care being taken to detail a true and accurate account of the proceedings; the numbers of the bill, very brief statement identifying the subject of the bill, and such parts thereof only as shall be affected by proposed amendments shall be inserted in the Journal; every vote of the Senate and a brief statement of the contents of every report of a committee, and of each petition, memorial or paper pre-

sented to the Senate shall also be inserted in the Journal.

POAGE.

Read and referred to Committee on Rules.

House Bill No. 51.

Senator Thomason called up from the table H. B. No. 51 which was laid on the table subject to call this morning.

The committee amendment was adopted.

The bill was passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 51 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	

Absent—Excused.

Martin. Woodward.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.

Present—Not Voting.

DeBerry.

Absent—Excused.

Martin.

Woodward.

Adjournment.

On motion of Senator Greer, the Senate, at 4:50 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Enrolled Bills.**

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 9 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 46 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 47 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 45 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 42 carefully examined and compared, and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 70, A bill to be entitled "An Act to amend Chapter 22, of the Acts of the 1st Called Session of the 42nd Legislature. The same being an Act to conserve fish in Angelina, Attoyoc, Sabine and Neches Rivers and their tributaries in certain counties; providing for violations of this Act; permitting the use of nets of certain size, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 61, A bill to be entitled "An Act amending Art. 2676 of the Revised Civil Statutes of Texas, 1925, relative to the election of county school trustees by providing that one of said trustees shall be elected from the county at large by the qualified voters of the common and consolidated independent school district of the county; providing that the terms of this Act shall apply to all counties having not less than 10,262 and not more than 10,349 inhabitants by the last preceding Federal census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 45, A bill to be entitled "An Act granting permission to E. A. Eliot and wife, Mrs. Hattie Eliot, to

sue and maintain a suit against the State Highway Commission as such and the State of Texas and members of the State Highway Commission for damages to their land and crops which they claim by virtue of the construction of State Highway No. 32 and Federal Highway No. 75, which runs between the town of Angus and the town of Richland, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 15, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 55, A bill to be entitled "An Act authorizing any county, political subdivision or defined district thereof to hold an election for the purpose of the cancellation and revocation of any unsold road bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such unsold road bonds retired by reason of such election, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 15, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act granting W. F. Sewell and his wife, Mrs. Irma Sewell, and J. C. Lewis to sue and maintain a suit against the State Highway Commission as such and the State of Texas and members of the State Highway Commission for damages to their land and crops which they claim by virtue of the construction of State Highway No. 32 and Federal Highway No. 75 which runs between the town of Angus and the

town of Richland, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 15, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 46, A bill to be entitled "An Act granting permission to J. F. Bentley of Navarro County, Texas, to sue and maintain a suit against the State Highway Commission as such and the State of Texas and members of the State Highway Commission for damages for killing two mules and injury to wagon and harness and personal injuries which he claims to have sustained on a State highway of the State of Texas running through Navarro County, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, Sept. 15, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 43, A bill to be entitled "An Act limiting the compensation of precinct, county or district officers to \$6,000.00 per year, providing for an accounting of fees and other compensation, repealing conflicting laws, fixing effective date of bill, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute, "A bill to be entitled, an Act amending Article 3891, Revised Civil Statutes of Texas of 1925 as amended by Chapter 20 of the Acts of the Fourth Called Session of the 41st Legislature, and declaring an emergency," do pass in lieu thereof.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 48, A bill to be entitled "An Act making it an offense for any Lessee, Assignee or holder of any oil or gas lease, or interest therein, who, without the consent of the person entitled to any part of the oil produced from said lease or proceeds realized from the sale thereof, shall fraudulently convert the same to his own use and benefit with intent to deprive the owner of the value of same, shall be guilty of theft and shall be punished as prescribed in the Penal Code for theft of like property.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODRUFF, Vice-Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 60, A bill to be entitled "An Act to repeal Chapter 120, page 232, of the Special Laws of the Regular Session of the 42nd Legislature, being a special road law for Wood County, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1932.
Hon. Edgar E. Witt, President of the Senate

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 32, A bill to be entitled "An Act amending Section 10 of Chapter 282, of the General Laws passed by the Regular Session of the 42nd Legislature, of the State of Texas, relative to the licensing of chauffeurs of trucks; providing that if any part of this Act is declared

unconstitutional it shall not affect the validity of the remaining portions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal, and not otherwise.

WILLIAMSON, Chairman.

By Burns of

McCullough. H. B. No. 32.

A BILL

To Be Entitled

An Act amending Section 10 of Chapter 282 of the General Laws passed by the Regular Session of the 42nd Legislature, of the State of Texas, relative to the licensing of chauffeurs of trucks; providing that if any part of this Act is declared unconstitutional it shall not affect the validity of the remaining portions of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 10. of Chapter 282, General Laws of the 42nd Legislature shall be amended so as to hereafter read as follows:

Section 10. That Section 9, of Chapter 42, General Laws of the State of Texas, passed by the 41st Legislature, 2nd Called Session, relating to the operation of vehicles on the public highways, be and the same is hereby amended to hereafter read as follows:

"Section 9. Every motor vehicle, other than any road roller, road machinery or farm tractor, having a width at any part in excess of seventy (70) inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red or yellow light visible under like conditions from a distance of five hundred (500) feet to the rear of the vehicle, both of which lights shall be kept lighted while any such vehicle is upon the highway from one-half hour after sunset to one-half hour before sunrise. A motor vehicle requiring clearance lights hereunder may, in lieu of such clear-

ance lights, be equipped with adequate reflectors conforming as to color and marginal location to the requirements for clearance lights. No such reflector shall be deemed adequate unless it is so designed, located as to height and maintained as to be visible for at least two hundred (200) feet when opposed by the light of motor vehicle displaying lawful, undimmed headlights at night on an unlighted highway. Reflectors herein referred to must be approved by the Department as to specifications before they can be lawfully used on a vehicle, and it shall be unlawful and constitute a misdemeanor to use a reflector on a motor vehicle unless it has been approved by the Department, and such approval by the Department shall be firmly affixed to such reflector.

"All vehicles not heretofore by law required to be equipped with specified lighted lamps shall carry one or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front of such vehicle and displaying a red or yellow light visible under like conditions from a distance of not less than five hundred (500) feet to the rear of such vehicle, which lights shall be kept lighted while the vehicle is upon a highway from one-half hour after sunset to one-half hour before sunrise. Provided, however, that vehicles drawn by animal power may in lieu of such lamps or lanterns be equipped with adequate reflectors.

"Every owner, driver or operator of a vehicle while it is upon the main traveled portion of a highway during the period from one-half hour after sunset to one-half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible any person upon the highway from a distance of at least two hundred (200) feet ahead, shall keep lighted all lamps or lighting devices with which such vehicle is required to be equipped, whether the vehicle is in motion or not.

"It shall be unlawful for any person to operate or move any vehicle upon a highway with a red light thereon visible directly from the front thereof, except, that this provision shall not apply to law en-

forcement officers, fire departments, and ambulances.

"Every motor vehicle other than a motorcycle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes, are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels. Any motor vehicle or combination of motor vehicles, trailer, or semi-trailer, or other vehicle, shall be equipped with brakes upon one or more of such vehicles, adequate to stop such combination of vehicles in dry weather upon a reasonable level surface within a distance of forty-five (45) feet from the spot where such brakes are first applied when such vehicle or combination of vehicles are traveling at a rate of speed of twenty (20) miles per hour.

"Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sounds audible under normal conditions for a distance of not less than two hundred (200) feet, and it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any bell, siren, compression or exhaust whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device, except that vehicles operated in the performance of duty by law enforcement officers, fire departments and ambulances may attach and use a bell, siren, compression or exhaust whistle.

"Every motor vehicle engaged in the transportation of passengers for hire shall be equipped with at least one quart of chemical type fire extinguisher in good condition and conveniently located for immediate use."

Sec. 2. If any section, sub-section, clause, sentence or phrase of this Act is for any reason held to be un-

constitutional and invalid, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that one or more of the sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Sec. 3. The fact that many ranchmen and farmers of Texas are being unduly burdened by the existing law

which requires them and their employees to obtain a chauffeur's license before transporting their own commodities to and from market with their own trucks, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

In Memory
of
Hon. Paul M. Horn

Senate Simple Resolution No. 22.

Senator Parrish sent up the following resolution:

Whereas, Since the last session of the Forty-second Legislature this State has lost one of its most distinguished citizens and educators in the death of Paul W. Horn, President of the Texas Technological College:

Dr. Horn had devoted practically all of his life to the educating of the young manhood and womanhood of our State; had been superintendent of a number of our public schools, including the public schools of Houston, President of Southwestern University at Georgetown, President of the American University at Mexico City, and President of Texas Technological at Lubbock since its creation until the time of his death. Dr Horn was an outstanding church worker and Christian gentleman—had truly lived a life of service; and, therefore, be it

Resolved, That the Senate of Texas express its appreciation of the distinguished services of Dr. Paul W. Horn and its profound regret for the loss that the State of Texas has sustained; and, therefore, be it

Resolved Further, That a copy of this resolution be forwarded to the family of Dr. Horn at Lubbock, Texas, and that a page in the Senate Journal be set aside in honor of his memory.

PARRISH,
BECK,
BERKELEY,
COUSINS,
CUNNINGHAM,
DeBERRY,
GAINER,
GREER,
HARDIN,
HOLBROOK,
HOPKINS,

HORNSBY,
LOY,
MARTIN,
MOORE,
NEAL,
ONEAL,
PARR,
PATTON,
POAGE,
POLLARD,
PURL,

RAWLINGS,
RUSSEK,
SMALL,
STEVENSON,
THOMASON,
WILLIAMSON,
WOODRUFF,
WOODUL,
WOODWARD,
WITT, Lieut.- Gov.

Read and adopted unanimously by a rising vote.

In Memory
of
Hon. W. N. Waddell

Senate Simple Resolution No. 23.

Senator Berkeley sent up the following resolution:

Whereas, The Hon. W. N. Waddell of Fort Worth and Ector County, Texas, departed this life on Wednesday, September 14, 1932; and,

Whereas, Mr. Waddell, one of the early pioneers of Texas, has made a valuable contribution in the development of the resources of our State, and has been a leader in the livestock and commercial interests for more than half a century, giving unstintingly in time, talent, and substance to all those things calculated to advance the best interests of Texas; and,

Whereas, On account of his distinguished service in various capacities, the Governor of Texas in 1911 appointed him Chairman of the Texas Livestock Commission, in which place of responsibility and trust he served with distinction and honor for a period of four years; therefore, be it

Resolved, That the Senate of Texas learns with keen regret of his passing, and desires to attest his high qualities as a citizen, a useful public servant, and pioneer of the old school; and extends to the family and relatives of the deceased its sincere condolence; and, be it further

Resolved, That a copy of this resolution be printed on a special page of the Senate Journal, and a copy be sent to each surviving member of his family, and that when the Senate adjourns today it do so in honor of this worthy citizen of Texas.

BERKELEY,
RAWLINGS,
BECK,
COUSINS,
CUNNINGHAM,
DeBERRY,
GAINER,
GREER,
HARDIN,
HOLBROOK,
HOPKINS,

HORNSBY,
LOY,
MARTIN,
MOORE,
NEAL,
ONEAL,
PARR,
PARRISH,
PATTON,
POAGE,
POLLARD,

PURL,
RUSSEK,
SMALL,
STEVENSON,
THOMASON,
WILLIAMSON,
WOODRUFF,
WOODUL,
WOODWARD,
WITT, Lieut.-Gov.

Read and adopted unanimously by a rising vote.

In Memory
of
Dr. Oscar Henry Cooper

Senate Simple Resolution No. 24.

Senator Cunningham sent up the following resolution:

Whereas, The Supreme Ruler of the Universe has called from the walks of men Dr. Oscar Henry Cooper, who passed away at his home at Abilene, Texas, on Monday, August 21, 1932; and,

Whereas, In the passing of this noted educator, Texas and the Nation lost one of their most noble men and profound scholars,—one who was recognized as "the father of public schools" in this State; and,

Whereas, Dr. Cooper was famous, not only in education circles, having served as Superintendent of the City Schools of Galveston, as Superintendent of Public Instruction of Texas, as President of Baylor University and as a member of the faculty of Simmons University, but he was noted as well as a profound Christian scholar and leader, whose life might well be emulated by the young manhood of Texas; therefore, it

Resolved by the Senate of Texas, That we commend his life and work as worthy, and regret his passing; be it further

Resolved, That a copy of this resolution be forwarded to the members of the family of deceased and that a page of the Journal be set aside in honor of his memory.

CUNNINGHAM
MOORE,
NEAL,
BECK,
BERKELEY,
COUSINS,
DeBERRY,
GAINER,
GREER,
HARDIN,
HOLBROOK,

HOPKINS,
HORNSBY,
LOY,
MARTIN,
ONEAL,
PARR,
PARRISH,
PATTON,
POAGE,
POLLARD,
PURL,

RAWLINGS,
RUSSEK,
SMALL,
STEVENSON,
THOMASON,
WILLIAMSON,
WOODRUFF,
WOODUL,
WOODWARD,
WITT, Lieut.-Gov.

Read and adopted unanimously by a rising vote.